

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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TRAVIS HORTON,

Movant,

Case No. 1:03-CV-78

v.

Hon. Gordon J. Quist

UNITED STATES OF AMERICA,

Respondent.

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**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The Court has before it Magistrate Judge Brenneman's Report and Recommendation issued January 12, 2007, in which he recommended, on remand, that Movant's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 be granted and that Movant be permitted to take a delayed appeal. This recommendation was based upon the magistrate judge's finding that Movant instructed his counsel to file an appeal and his counsel failed to do so. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation issued January 12, 2007, is approved and adopted as the Opinion of the Court, and Movant's Motion To Vacate, Set Aside, Or Correct Sentence pursuant to 28 U.S.C. § 2255 (docket no. 1) is **GRANTED**.

**IT IS FURTHER ORDERED** that Movant is granted a delayed appeal. The Federal Public Defender's Office for the Western District of Michigan, or their designee, is hereby appointed to represent Movant in his appeal.

Dated: February 14, 2007

/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE